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(2)

No. 84-1958

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1984

EDWARD RONWIN,

Petitioner,

vs.

HON. WILLIAM A. HOLOHAN; HON. FRANK X. GORDON, JR.; HON. JACK D.H. HAYS; HON. JAMES DUKE CAMERON; HON. STANLEY G. FELDMAN; PHILIP E. VON AMMON and RUTH G. MCGREGOR,

Respondents.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

SUPPLEMENTAL APPENDIX

EDWARD RONWIN
P.O. Box 3585
Urbandale, Iowa 50322
(515) 223-8819
Petitioner pro se

BEST AVAILABLE COPY

42 pp

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

EDWARD RONWIN,
Plaintiff,

FILED: Nov. 22, 1983

No.CIV 83-1036 PHX CLH

v.

HOMORABLE WILLIAM A. HOLOHAN, et al.,
Defendants.

MEMORANDUM OPINION AND ORDER

This is an action brought by plaintiff Edward Ronwin against the Justices of the Arizona Supreme Court and two private attorneys pursuant to the Civil Rights Act of 1871, 42 U.S.C. §§1983, 1985(3) and 1986. Plaintiff complains that defendants have conspired under color of state law to deny constitutionally guaranteed rights to applicants for admission to the State Bar of Arizona.

The defendants moved to have the claims against them dismissed, or alternatively, for summary judgment. Defendants also moved that plaintiff be permanently enjoined from

filing any future actions relating to the question of his admission to the State Bar, absent court approval. Both defendants and plaintiff have moved that attorney's fees be awarded them.

The motion to dismiss will be granted for the reason that this Court does not have subject matter jurisdiction. The motion to enjoin plaintiff will be granted. Attorney's fees will be assessed against plaintff.

MOTION TO DISMISS

Defendants base their motion to dismiss primarily on the grounds that this Court lacks subject matter jurisdiction. In addition, they contend that this Court cannot enjoin state proceedings due to notions of federalism and comity; that this Court cannot issue a writ in the nature of mandamus to the Arizona Supreme Court; and that plaintiff has failed to state a claim upon which relief can be granted.

There is no dispute between the parties

as to the law. This Court lacks subject matter jurisdiction if plaintiff's claim is a challenge to a final judgment of the Arizona Supreme Court in the matter of Mr. Ronwin's individual application for admission to the Bar. District of Columbia Court of Appeals v. Feldman, _____U.S._____, 103 S.Ct. 1303 (1983); Brown v. Board of Bar Examiners of the State of Nevada, 623 F.2d 605 (9th Cir. 1980). In that instance, Mr. Ronwin's only recourse is review by the United States Supreme Court. 28 U.S.C. §1257; Feldman, 103 S.Ct., at 1317; Brown, 623 F.2d at 609-610. This is true even if the complaint alleges challenges to federally protected constitutional rights. Feldman, 103 S.Ct., at 1317; Doe v. Pringle, 550 F.2d 596, 599 (10th Cir. 1976), cert. denied, 431 U.S. 916, 97 S.Ct. 2179, 53 L.Ed.2d 227 (1977). Allegations of unreasonable and discriminatory actions by the state court in dealing with the applicant have been found to be "inextricably

intertwined" with decisions made in judicial proceedings. Hence, the District Court does not have jurisdiction. Feldman, 103 S.Ct., at 1317.

On the other hand, this Court can exercise jurisdiction if plaintiff questions either the constitutionality of a state rule or regulation of general application or the administration of a rule or regulation. Brown, 623 F.2d,at 609-610; See Feldman, 103 S.Ct., at 1316. Such rules, promulgated in a non-judicial setting, can be examined without the District Court's reviewing the state court's actions in its judicial capacity. Feldman, 103 S.Ct., at 1316-1317.

Mr. Ronwin's complaint must be closely read to determine which type of claim he is asserting. It is the "essence" of the complaint rather than its "superficial" attack which is determinative. Brown, 623 F.2d, at 610.

Although the complaint is couched in general terms, a close examination reveals that Mr.

Ronwin disputes the constitutionality of ad hoc procedures that grew out of long-term, ongoing attempts by both parties to resolve issues relating to his repeated applications to the State Bar of Arizona. In particular, he seeks an order that "no application be denied without an evidentiary hearing first being accorded..." Questioned during oral argument, Mr. Ronwin admitted that the did not know of any other applicants who had sought and been denied such an evidentiary hearing on their lack of qualifications for admission to the State Bar. This admission clearly indicates that he seeks relief particular to his individual petition rather than a remedy of general application.

In addition, allegations of conspiracy are particular to Mr. Ronwin in that the alleged "secret communications' and urgings of Mr. von Ammon and Ms. McGregor have only to do with him. There are no allegations in the complaint that imply a larger conspiracy to

exclude other applicants by the denial of their constitutional rights.

In sum, Mr. Ronwin's complaint sets forth a request that this Court interfere with the exercise of the Arizona Supreme Court' judicial function as it relates to the matter of plaintiff's individual application for admission to the Arizona State Bar. It is not a challenge to procedures customarily followed by the Arizona Supreme Court in making admission determinations in general. It follows that this Court lacks subject matter jurisdiction over Mr. Ronwin's claim against the justices of the Arizona Supreme Court.

While this Court does not have subject matter jurisdiction over the justices of the Arizona Supreme Court, it does have that jurisdiction over Ms.McGregor and Mr.von Ammon. A private party who conspires with a state official to deprive another of constitutional rights can be liable under 42 U.S.C. §1983. Adickes v. Kress & Co., 398

U.S. 144, 90 S.Ct. 1598, 1605-06, 26 L.Ed.2d 142 (1970).

However, another basis for the motion to dismiss is that it fails to state a claim for which relief can be granted.

The complaint alleges:

> "[Ms.McGregor and Mr. von Ammon](sic) are private, non-state employees,... who have aided and abetted the process, as respects RONWIN, by lying to this court in several cases, by conducting secret communications with judges of this court and/or their clerks, and by urging JUSTICES to deny RONWIN his constitutionally guaranteed civil rights in his applications to the State Bar of Arizona." Complaint, at 14.

Affidavits by Ms.McGregor and Mr. von Ammon were filed in support of the motion to dismiss. They averred that their conversations with the justices of the Arizona Supreme Court concerning Mr. Ronwin "have been entirely limited to those applications already acted upon by the Arizona Supreme Court, and took place within the client-counsel context after the applications were made the subject of litigation." These affidavits are uncontroverted.

If matters outside the pleadings, such as affidavits, are presented to the Court with a motion to dismiss a pleading for failure to state a claim upon which relief can be granted pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, the motion shall be treated as one for summary judgment under Rule 56. When a motion for summary judgment is supported by affidavits, the adverse party may not rest upon the allegations of the pleadings but must by affidavit, depositions or answers to interrogatories set forth specific facts showing that there is a genuine issue for trial. Fed. R. Civ. P. 56(a). Since Mr. Ronwin has not submitted anything to controvert the affidavits of Ms. McGregor and Mr. von Ammon, they are entitled to summary judgment.

MOTION FOR A PERMANENT INJUNCTION

The defendants have moved to have Ronwin permanently enjoined from filing civil rights actions relating to the question of this ad-

mission to the State Bar of Arizona, absent prior court approval. This Court has the power to issue all writs necessary or appropriate in aid of its jurisdiction. 28 U.S.C. A. §1651.

The statement of facts that follows is based upon judicial notice pursuant to Rule 201, Federal Rules of Evidence. Subsection (c) of the rule permits this Court to take judicial notice, whether requested or not.

I. STATEMENT OF FACTS

Mr. Ronwin was graduated from Arizona State University's College of Law in January of 1974. He took and failed the Arizona bar examination given in February of that year. His petition to the Committee on Examinations and Admissions for review of the grading of his examination papers was denied. A similar petition to the Arizona Supreme Court was denied. He then petitioned the United States Supreme Court for a writ of certiorari, and

it was denied. Ronwin v. Committee on Examinations and Admissions, 419 U.S. 967, 95 S.Ct. 231, 42 L.Ed.2d 183 (1974).

Mr. Ronwin's petition to take the July 1974 bar examination was denied because the Committee on Examinations and Admissions was unable to make the requisite finding that he was mentally and physically able to engage in the practice of law. See Rule 28(c)(IV), Arizona Rules of the Supreme Court, 17A Arizona Revised Statutes. The Arizona Supreme Court then appointed a Special Committee to conduct a formal evidentiary hearing pursuant ot its Rule 28(c)(XII)(C). After a two-day hearing, the Special Committee found that Ronwin suffered from a personality disorder that "causes him to bring and pursue with great persistence groundless claims in court proceedings and otherwise even though he knows or should reasonably know such claims to be groundless, and that hereby others will be subjected to needless expense and

concerns." Application of Ronwin, 113 Ariz. 357, 358, 555 P.2d 315 (1976). Concluding that because of his personality disorder, Ronwin "will probably...bring and prosecute groundless claims and subject clients, parties, the Court and adversary counsel to groundless charges of misconduct and impropriety if his view of the merits of the claims he presented should be vigorously opposed and be found to be without merit by the court," Id., the Special Committee declined to recommend Ronwin for admission to the Bar. The validity of the Special Committee's conclusion is amply demonstrated by the actions Ronwin has brought in this court.

While the Supreme Court disagreed with the Special Committee's finding that Mr. Ronwin's personality disorders would cause him to bring groundless actions, it agreed that he was not mentally able to practice law. Application of Ronwin, 113 Ariz. 375, 555 P.2d 315 (1976).

Since then, Mr. Ronwin has filed seven actions in this court pursuant to 42 U.S.C. §§1983, 1985 and 1986. In each action he has accused the defendants of conspiring to deprive him of various constitutional rights. The first of these actions, Ronwin v. Daughton, No. CIV 76-872, was commenced on November 26, 1976. Named as defendants were George Read Carlock and Robert D. Myers, Chairman and Vice Chairman of the Committee on Examinations and Admissions in 1974; Mark Wilmer, Chairman of the Special Committee; Willard Pedrick and Alan Matheson, then the Dean and Associate Dean of Arizona State University's College of Law; Donald Daughton, counsel for the State Bar of Arizona during the hearing; Francis Enos, a psychologist; John Frank, Ronwin's own lawyer at the special hearing; and Lewis & Roca, Mr. Frank's law firm.[1] Ronwin alleged that the defendants had conspired

[1]In all of his actions, Mr. Ronwin has also named the spouses.

to "orchestrate" a sham hearing before the Special Committee. Among other things, it was alleged that the defendants had employed false affidavits, suborned witnesses to perjury, threatened prospective counsel for Ronwin, and refused to call witnesses whose testimony was "of obvious crucial effect." The case was originally assigned to Judge William C. Copple of this Court. He recused himself and assigned the case to Judge Manuel L. Real of the Central District of California. On March 4, 1977, the complaint was dismissed and judgment was entered in favor of the defendants on the grounds that the Court lacked subject matter jurisdiction, the complaint did not present a substantial federal question, the claim was barred by res judicata and, as to the members of the Special Committee, the action was barred by the doctrine of judicial immunity. The judgment was affirmed by the Court of Appeals by a memorandum opinion in Ronwin v. Daughton, No. 77-2318 (9th Cir., Aug. 9, 1979).

Seventeen days later on December 13, 1976, Mr. Ronwin filed Ronwin v. Segal, No. CIV 76-924. Named as defendants were the members of the Committee on Character and Fitness in 1976. On August 30, 1976, Mr. Ronwin filed another application for admission to the State Bar. The Committee had informed the Arizona Supreme Court that it was unable to make findi gs that the applicant meets the character and fitness requirements and, therefore, was unable to recommend his admission. Mr. Ronwin alleged that the defendants had conspired to deprive him of rights, privileges and immunities secured by the First, Fifth and Fourteenth Amendments. The case was also assigned to Judge Real. On June 9, 1977, Judge Real granted the defendants' motion to dismiss. The judgment was affirmed by the Court of Appeals in Ronwin v. Segal, No. 77-2567 (9th Cir. Nov. 14, 1980).

In 1977 Mr. Ronwin filed another application for admission to the State Bar. The

Committee on Character and Fitness informed the Arizona Supreme Court that it declined to act on the application because members of the committee were involved in litigation with Ronwin. The committee requested the appointment of a special committee to consider the application. Instead, the Arizona Supreme Court acted directly and denied the application. On March 20, 1978, Mr. Ronwin filed an action in this Court titled Ronwin v. Gage, No. CIV 78-214. Named as defendants were members of the State Bar of Arizona who served on its Committee on Character and Fitness in March 1977 and the Justices of the Arizona Supreme Court. In addition to alleging that he had been deprived of various constitutional rights, Mr. Ronwin also alleged that "The acts and omissions of the Defendants were part of a design to deprive Plaintiff of a cause of action against Committee Members.. under 42 U.S.C.A. §1983 in consequence of a summary denial without due process of Plain-

tiff's application." This case was also assigned to Judge Real. On October 9, 1979, summary judgment was granted in favor of the defendants on the grounds that the complaint failed to state a claim upon which relief could be granted, Ronwin lacked standing to seek the injunctive relief requested, the court was prohibited by the principles of federalism and comity from granting the injunctive relief sought, the court lacked authority to issue a writ in the nature of mandamus to the Arizona Supreme Court and its officers, the court lacked jurisdiction over a collateral attack on a state court judgment, the action was barred by the doctrines of res judicata and collateral estoppel and the action was barred by the doctrine of judicial immunity. Attorney's fees of $4,527.50 were awarded to the defendants. No appeal was taken from that decision.

Mr. Ronwin's fourth civil rights action was Ronwin v. von Ammon (von Ammon I), CIV

79-175, which was commenced on March 6, 1979. Named as defendants were the members of the Arizona Supreme Court, Judge William P. Copple of this Court, Judge Real, Mr. von Ammon, Ms. McGregor and the law firm of which Mr. von Ammon and Ms. McGregor were members. While the action stemmed from the Supreme Court's denial of Ronwin's application of December 15, 1978, for admission to the State Bar, the complaint repeated many of the allegations made in Daughton, Segal and Gage. It was alleged that Judge Copple had assigned cases to Judge Real "for the purpose of obtaining a quick dismissal...regardless of the merits and that Judge Real had accommodated Judge Copple and his co-conspirators;" that Judge Real tolerated illegal activity by Mr. Frank; that Judge Real had "demonstrated great con-concern for, favor to and deference to RONWIN's adversaries coupled with abuse of his discretion toward RONWIN;" that the justices continued to consider his applications despite

their obvious bias and prejudice; that the acts of the justices rose to the level of violation of the criminal laws; and that Mr. von Ammon and Ms. McGregor had acted "to deter an adjudication of the aforesaid suits filed by RONWIN in this Court and have aided, abetted and encouraged the denial of due process and equal protection to [Ronwin] (sic) with respect to RONWIN's application of December 15, 1978." On May 14, 1979, summary judgment was granted to Mr. Frank. On May 21, 1979, Ronwin's claim as to Judges Real and Copple was dismissed on the grounds of judicial immunity. On July 19, 1980, the complaint was dismissed as to the remaining defendants for failure to state a claim. On April 2, 1981, this Court awarded attorney's fees to the defendants in the amount of $5,640. Mr. Ronwin's appeal was consolidated by the Ninth Circuit Court of Appeals with his appeal in the case discussed in the next paragraph and was affirmed by memorandum

opinion, Ronwin v. von Ammon,Nos. 81-5148 and 81-5149 (9th Cir., Aug. 16, 1982).

The fifth action, Ronwin v. von Ammon, CIV 80-289 PHX (von Ammon II), was filed on April 18, 1980. Named as defendants were Judges Real and Copple, Judge Water E. Craig of this Court, John P. Frank, Willard H. Pedrick, Alan A. Matheson, George Read Carlock, Robert D. Myers, Mark Wilmer, Donald D. Daughton, Dr. Francis A. Enos, Wallace J. Furstenau, the Clerk of this Court; George B. Nielson, Jr., at that time an Assistant United States Attorney who had defended Judges Real and Copple in Cause No. 79-175, Phillip V. von Ammon, Rught F. McGregor; and the Justices of the Arizona Supreme Court. The defendants were alleged to have conspired to deny Ronwin his rights under the Fifth and Fourteenth Amendments and to have engaged in "a willful, reckless and malicious support of anti-semitic activities." On July 18, 1980, the action against Judges Copple, Craig and Real was dismissed because it was "totally frivolous and vexa-

tious;" the complaint was dismissed as to Dean Pedrick and Associate Dean Matheson because of res judicata; the complaint was dismissed as to Mr. Frank, Mr. Daughton, Dr. Enos, Mr. Wilmer, Mr. Carlock, Mr. Myers, Mr. von Ammon and Ms. McGregor because it failed to state a claim upon which relief could be granted. On January 28, 1981, the complaint was dismissed against Mr. Furstenau and Mr. Nielson because it failed to state a claim upon which relief could be granted and plaintiff's allegations were frivolous and vexatious, and it was dismissed against the Justices of the Arizona Supreme Court because of a lack of subject matter jurisdiction. On May 26, 1981, this Court assessed Mr. Ronwin attorney's fees in the amount of $1,505.

Mr. Ronwin appealed form the judgments entered in von Ammon I and von Ammon II. The Court of Appeals consolidated the appeals and affirmed the judgment by a memorandum

opinion. Ronwin v. von Ammon, Nos. 81-5148 and 81-5149 (9th Cir., Aug. 16, 1982). That court also awarded attorney's fees against Ronwin in the amount of $1,000 because the appeal was clearly frivolous and because Ronwin had so multiplied the proceedings in the consolidated appeals as to increase costs unreasonably and vexatiously.

Mr. Ronwin's sixth action, Ronwin v. Fogel, CIV 82-896 was filed on June 14, 1982, and is presently assigned to Judge Earl Carroll of this Court. Named as defendants are the Justices of the Arizona Supreme Court, the members of that Court's Committee on Examinations, the State Bar of Arizona, Educational Testing Service and the National Conference of Bar Examiners. The last two defendants produce the "Multi-State Bar Examination," which is used in most, if not all, states as a part of the bar examination. The defendants are charged with conspiracy to violate the constitutional rights of bar applicants by ad-

ministering a bar examination in a manner which is "irrationally related to the alleged purpose of said Bar examination and is devoid of reasonable justification." Because the case is still pending, it is not being relied on to support an injunction.

On May 25, 1983, the Arizona Supreme Court denied Mr. Ronwin's eighth and ninth applications for admission to the State Bar of Arizona. The basis of the order was set forth in an unpublished opinion, In the Matter of Edward Ronwin, SB-52-8 and SB-52-9 (Arizona Supreme Court, July 6, 1983).

Ronwin filed this action on June 6, 1983. Named as defendants are the justices of the Arizona Supreme Court, Mr. von Ammon and Ms. McGregor. The justices of the Arizona Supreme Court are alleged to have conspired "to deny due process and equal protection of the law and the rights and immunities of citizens to Bar applicants, including RONWIN, who challenge their methods and those of their agents."

Among other things, the justices were charged with manipulating hearings and encouraging fraud in judicial proceedings, permitting alteration and destruction of official records, tolerating and encouraging perjured testimony and deliberately employing dilatory tactics to delay and harass bar applicants.

Mr. von Ammon and Ms. McGregor are alleged to have "aided and abetted the process, as respects RONWIN, by lying to this Court in several cases, by conducting secret communications with judges of this Court and/or their clerks, and by urging that JUSTICES deny RONWIN his constitutionally guaranteed civil rights in his applications to the State Bar of Arizona."

As discussed above, the Court is dismissing the complaint against the justices because of lack of subject matter jurisdiction and is awarding summary judgment in favor of Ms. McGregor and Mr. von Ammon.

To summarize, in the past seven years Ronwin

has filed seven civil rights cases alleging conspiracies to deny him admission to the State Bar of Arizona by depriving him of rights, privileges and immunities secured by the First, Fifth and Fourteenth Amendments. He has named as defendants not only the persons directly involved in the admission process--the Justices of the Arizona Supreme Court and the members of the State Bar of Arizona who have served on its Committees on Examination and Admissions and on Character and Fitness and on the Special Committee appointed by the Arizona Supreme Court--he has also named three United States district court judges whose only offense appears to be that they were somehow connected with one or more of these cases; the Clerk of this Court, who performs a purely ministerial function; the lawyers who defended various defendants; a psychologist, who testified as to his mental fitness; and the former Dean and Associate Dean of his law college. All of the cases

except one have been or will be terminated by dismissal or by summary judgment. The other is still pending. Mr. Ronwin has appealed four judgments. All were affirmed. He has been assessed attorney's fees totaling $12,672.50.

II. DISCUSSION

In von Ammon II, motions of some of the defendants to permanently enjoin Ronwin from filing future actions related to the question of his admission to the State Bar of Arizona were denied. The time has now come to grant such a motion.

The All Writs Act, 28 U.S.C.§1651, empowers district counts (sic) to enjoin repetitive litigation. Wood v. Santa Barbara Chamber of Commerce, Inc., 705 F.2d 1515 (9th Cir. 1983); Clinton v. United States, 297 F.2d 899 (9th Cir. 1961). Litigiousness alone will not support such an injunction. Pavilonis v. King, 626 F.2d 1075 (1st Cir. 1980); Ruderer v. United States, 462 F.2d 897 (8th Cir. 1972).

However, in many cases like this one, injunctions have issued.

A case clearly on point is Rudnicki v. McCormack, 210 F.Supp. 905 (D. Rh. Island 1962) which consisted of four consolidated cases against various federal and state judges, the governmental attorneys who represented them, and the clerk of a federal court. The defendants were alleged to have conspired to deprive plaintiff of his civil rights--the judges by granting motions filed by defendants or in refusing to grant motions filed by plaintiff in prior litigation, the governmental attorneys by representing the judges, and the clerk of the court by receiving and filing papers in connection with such suits. The Court's order enjoining plaintiff from filing further actions was based, in part, on a findin "that the institution of these baseless actions has resulted in harassment of the defendants and expense to the governments which they represent, as well as a burden upon the office

of the Clerk of this Court, because of the necessity of receiving, filing and processing these lawsuits and the multitude of purely frivolous papers for which the plaintiff has been responsible." 210 F.Supp. at 911.

Another case on point is Boruski v. Stewart, 381 F.Supp. 529 (S.D.N.Y. 1974), aff'd. 493 F.2d 301 (2nd Cir. 1974) where plaintiff was enjoined from further lawsuits against various federal judges, officials and departments. The court noted that "It is not uncommon for a disappointed litigant to bring a subsequent action alleging that the adverse decisions resulted from prejudice or misconduct of virtually every person in authority who functioned on his claim; and where it is apparent that the litigation is baseless, the issuance of an injunction is proper." 432 F.Supp. at 858. Accord. Gordon v. U.S. Department of Justice, 558 F.2d 618 (1st Cir. 1977)(Plaintiff filed a series of actions against all federal district court judges in Massachusetts, all cir-

cuit judges in the First Circuit and all Justices of the United States Supreme Court for ruling against him). See also, Adams v. American Bar Association, 400 F.Supp.219 (E.D. Penn. 1975)(Plaintiff had filed "extraordinary" number of lawsuits throughout the country against federal and state judges and officials).

Mr. Ronwin's civil rights actions in this Court clearly fall within the pattern of the cases discussed above. He sues the persons who rule against him in court proceedings or Bar proceedings and adds as additional parties lawyers, an expert witness and even the clerk of this court. Every one of the five prior cases that have been terminated was by dismissal or summary judgment; the claims were not meritorious enough to require trials. Every time Mr. Ronwin has appealed, the judgment has been affirmed.

Not only do these lawsuits constitute harassment of the various defendants, they also

impose an intolerable strain upon the resources of this court. An enormous amount of judicial and clerical time has been expended in disposing of these cases.

At first blush, it would appear that this case should be distinquished from the prior five Ronwin actions. Here Mr. Ronwin has named only the Justices of the Supreme Court, Ms. McGregor and Mr. von Ammon as defendants; has alleged that he is acting in behalf of "all applicants similarly situated;" and has accused the justices of the Supreme Court of conspiring to "deny due process and equal protection of the law..to Bar applicants, including RONWIN, who challenge their methods and those of their agents." He clearly attempted to frame his complaint to give this Court subject matter jurisdiction in light of the earlier ruling in Ronwin v. von Ammon. The Court of Appeals ruled "the district court lacked jurisdiction over these claims because it was without power to review Ronwin's per-

sonal, rather than general, constitutional challenges to the Arizona Supreme Court's decision regarding his individual bar applications." Ronwin v. von Ammon, slip op. at 2. A careful reading of the complaint reveals that the allegations are personal to Mr. Ronwin and to no one else. He admitted as much at oral argument.

Another basis for awarding injunctive relief is the apparent fact that awards of attorney's fees in prior cases have not served to deter Mr. Ronwin. In three of the prior cases this Court has assessed attorney's fees totaling $11,672.50. Additionally, the Court of Appeals assessed attorney's fees against him in the amount of $1,000 in Ronwin v. von Ammon. These assessments have had no deterrent effect on Mr. Ronwin, possibly because he has never paid them. An injunction will be a stronger deterrent.

In its opinion In the Matter of Edward Ronwin, the Arizona Supreme Court identified

a tactic of Ronwin's which further supports the propriety of injunctive relief:

> "Habitual filing of actions against adjudicatory officers, witnesses and opposing counsel is both vexatious and harassing. Worse, it is a tactic calculated to intimidate. It cannot be tolerated unless we are willing to surrender reason to those whose conduct is uninhibited by reality and civility." [emphasis supplied] (emphasis is in the original).

Ronwin's various cases contain an implied threat:

> "Rule against me or oppose me and I"ll sue you."

The intimidating nature of his litigation is underscored by Ronwin v. Shapiro, 657 F.2d 1071 (9th Cir. 1981). Dickinson, a student member of the Arizona Law Review, wrote a casenote on the Arizona Supreme Court's 1976 decision in Application of Ronwin, in which he quoted verbatim from the opinion. When Shapiro, the editor-in-chief of the review refused to print either a retraction or an article that Ronwin had prepared,which contended that the Supreme Court's opinion was a result of fraud, perjured testimony and

conspiracy, Ronwin sued Dickinson, Shapiro and the Board of Regents of the Universities and State Colleges of Arizona for defamation. This Court dismissed Ronwin's complaint and he appealed the dismissal. The Court of Appeals affirmed. What law student is willing to write about any matter in which Ronwin may be involved if he knows that he might be sued by Ronwin just as Dickinson was?

Every lawyer who serves on any committee of the State Bar of Arizona which deals with anything which might involve Mr. Ronwin must be aware that taking a position contrary to that of Mr. Ronwin potentially subjects the lawyer and his or her spouse to a lawsuit. Every judge who presides over a case in which Mr. Ronwin is involved must be aware that if he rules against Mr. Ronwin, he is subjecting himself and his wife to a lawsuit. Ronwin's tactic of intimidation simply cannot be tolerated.

While injunctive relief is proper in this

case, Ronwin cannot simply be denied all access to the courts. The injunction in this case should be limited to restraining Ronwin from filing civil rights actions alleging conspiracies relating to the refusal of the Arizona Supreme Court to admit him to the practice of law in the State of Arizona.

III. ATTORNEY'S FEES

Both sides have moved for an award of attorney's fees. A reasonable attorney's fee may be awarded as part of the costs to the prevailing party, other than the United States, in any action to enforce a provision of Sections 1981, 1983 and 1986 of Title 42 of the United States Code. 42 U.S.C. 1988. In order for prevailing defendants to recover attorney's fees, the suit against them must be "vexatious, frivolous, or brought to harass or embarrass." Hensley v. Eckerhart, ___ U.S.___, 103 S.Ct. 1933, 1937,n.2 (1983).

The defendants are the prevailing parties. This action is vexatious and frivolous and

was brought to harass the defendants. Upon a proper showing, the defendants are entitled to an award of attorney's fees as part of costs, pursuant to Section 1988.

ORDERS

IT IS ORDERED as follows:

1. Dismissing the complaint as to the defendant Justices of the Arizona Supreme Court for lack of subject matter jurisdiction.

2. Granting summary judgment in favor of the defendants McGregor and von Ammon for the reason that there is no genuine issue of material fact and they are entitled to summary judgment as a matter of law.

3. That an injunction issue restraining Mr. Ronwin from filing any action in this court or any other court pursuant to Section 1983, 1985 and 1986 of Title 42 of the United States Code against the Justices of the Arizona Supreme Court, members of the State Bar of Arizona and any other persons, alleging

that the defendants have conspired to deprive Mr. Ronwin of constitutional rights by preventing him from being admitted to the State Bar of Arizona, without first demonstrating to this Court that there is a good faith basis for his allegations.

4. That the Clerk refuse to accept any complaints tendered by Ronwin which are purportedly filed pursuant to Sections 1983, 1985 and 1986 of Title 42 of the United States Code without an order of this Court authorizing the filing of the complaint.

5. That the Clerk give notice of this Court's orders to the other judges in this District and to the Clerk's office in Tucson, Arizona.

6. Denying plaintiff's motion for award of attorney's fees.

7. Granting defendants' motion for award of attorney's fees.

8. That defendants submit within 10 days a memorandum setting forth the applicability

of the guidelines approved in Kerr v. Screen Extras Guild, Inc., 526 F.2d 67, 69-70 (9th Cir. 1978), for determining a reasonable attorney's fee to their claim for attorney's fees in this case, together with an affidavit averring the time and labor required for legal services in representing the defendants in this case and the customary hourly charge of each lawyer and paralegal who provided legal services in behalf of defendants.

DATED this 21 day of November, 1983.

/s/ CHARLES L. HARDY
CHARLES L. HARDY
Judge of the United States District Court

cc: all counsel of record

JUDGMENT ON DECISION BY THE COURT
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

FILED: Nov. 30, 1983

EDWARD RONWIN,
Plaintiff,

CIV 83-1036 PHX CLH

vs.

JUDGMENT

HONORABLE WILLIAM A. HOLOHAN, et al.,
Defendant.

This action came on for hearing before the Court, the Honorable Charles L. Hardy, United States District Judge, presiding, and the issues having been duly heard and a decision having been duly rendered,

IT IS ORDERED AND ADJUDGED dismissing the complaint as to the defendant Justices of the Arizona Supreme Court for lack of subject matter jurisdiction.

IT IS FURTHER ORDERED AND ADJUDGED granting summary judgment in favor of the defendants McGregor and von Ammon for the reason that there is no genuine issue of material fact and they are entitled to summary judgment as a matter of law.

IF(sic) IS FURTHER ORDERED AND ADJUDGED that Plaintiff Edward Ronwin be restrained from filing any action in this court or any other court pursuant to Sections 1983, 1985 and 1986 of Title 42 of the United States Code against the Justices of the Arizona Supreme Court, members of the State Bar of

attorney's fees.

/s/ CHARLES L. HARDY
CHARLES L. HARDY
United States District Judge

cc: all counsel of record

JUDGMENT ON DECISION BY THE COURT
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

(Caption)

Filed: Dec. 27, 1983

CIV 83-1036 PHX CLH

JUDGMENT
FOR ATTORNEY'S FEES

This action came on for hearing before the Court, the Honorable Charles L. Hardy, United States District Judge, presiding, and the issues having been duly heard and a decision having been duly rendered,

IT IS ORDERED AND ADJUDGED that judgment be entered in favor of Philip E. von Ammon and Ruth V. McGregor, two of the defendants and the attorneys for the other defendants, and against the plaintiff in the sum of $9,500 as and for attorney's fees.

DATED at Phoenix, Arizona, this 27th day of December, 1983.

W.J.FURSTENAU, CLERK

By Virrana(?) M. Martinez
Deputy Clerk

Arizona and any other persons, alleging that the defendants have conspired to deprive Mr. Ronwin of constitutional rights by preventing him from being admitted to the State Bar of Arizona, without first demonstrating to this Court that there is a good faith basis for his allegations.

DATED at Phoenix, Arizona, this 30th day of November, 1983.

W.J.FURSTENAU, CLERK

By Virrana(?) M. Martinez
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

(Caption)

Date: Dec. 22, 1983

Filed: Dec. 27, 1983

CIV 83-1036 PHX CLH

(This document has no title but is obviously an order).

On November 22, 1983, the Court granted the motion of the defendants for an award of attorney's fees and directed them to submit a memorandum in support of the amount

to be awarded. They have done so. They request an award in the total amount of $9,336.

Plaintiff has responded with a response and a supplement. He does not dispute the reasonableness of the amount claimed by defendants. Instead and characteristically, he accuses the attorney's for defendants of lying and the undersigned Judge of "favoritism, corruption and foul behavior." By doing so, he again confirms the correctness of the refusal of the Arizona Supreme Court to admit him to the practice of law in the State of Arizona.

The Court finds that the defendants' claim for attorney's fees is reasonable. An additional increment will be added as compensation for the time employed by counsel for the defendants in preparing its submission and in filing a reply to the responses of plaintiff.

IT IS ORDERED that the Clerk enter judgment in favor of Philip E. von Ammon and Ruth V. McGregor, two of the defendants and the attorneys for the other defendants, and against the plaintiff in the sum of $9,500 as and for